

**DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES**

CHAPTER 31

INDEPENDENT LIVING REHABILITATION PROGRAM

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REHABILITATION PROGRAM

37. 31. 101

Subchapter 1

General Requirements

37. 31. 101 INDEPENDENT LIVING REHABILITATION PROGRAM:
PURPOSES (1) The independent living program provides in accordance with Title VII of the federal Rehabilitation Act of 1973 (29 USC 796) comprehensive services to persons with severe disabilities to enable them to live and function independently in community settings.
(2) The program fosters the establishment of centers for independent living in communities.
(3) The independent living centers also may provide for independent living services designed to assist older persons who are blind to adjust to blindness by furthering their ability to care for their individual needs. (History: Sec. 53-7-102, 53-7-315 and 53-19-112, MCA; IMP, Sec. 53-7-102, 53-7-103, 53-7-302, 53-19-101, 53-19-103 and 53-19-105, MCA; NEW, 1985 MAR p. 1569, Eff. 10/18/85; AMD, 1992 MAR p. 2572, Eff. 11/26/92; AMD, 1997 MAR p. 1204, Eff. 7/8/97; TRANS, from SRS, 1998 MAR p. 2044.)

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Subchapter 2

Services

37. 31. 201 INDEPENDENT LIVING REHABILITATION PROGRAM:
SERVICES (1) Independent living services include vocational rehabilitation services and other services that the department determines are necessary and will enhance the ability of persons with severe disabilities to live independently and to function within a community setting and, if appropriate, to secure and maintain appropriate employment.

(2) Independent living services are limited to those services specified in Montana's 3 year state plan for independent living rehabilitation services submitted to and approved by the federal government. The Montana 3 year state plan for independent living services under Title VII of the federal Rehabilitation Act of 1973 (29 USC 796) is hereby adopted and incorporated by reference and may be obtained from the Department of Public Health and Human Services, Disability Services Division, P.O. Box 4210, Helena, MT 59604-4210.

- (3) Services may include, but are not limited to:
- (a) counseling;
 - (b) services to secure housing or shelter including housing adaptation;
 - (c) physical and mental restoration;
 - (d) transportation including transportation training, assistance and referral;
 - (e) personal assistance, including attendant care and the training of personnel providing services;
 - (f) services and training for persons with cognitive and sensory disabilities, including life skills training, and interpreter and reader services;
 - (g) services to family members and dependents;
 - (h) vocational assistance and other training;
 - (i) information and referral;
 - (j) services for children with significant disabilities;
 - (k) advocacy and legal assistance;
 - (l) independent living skill training;
 - (m) peer counseling, including cross-disability peer counseling;
 - (n) individual and group social and recreational activities;
 - (o) outreach and recruitment;
 - (p) mobility training;
 - (q) therapeutic treatment;
 - (r) rehabilitation technology;

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(s) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, and accessible transportation, and other support services;

(t) consumer information programs on rehabilitation and independent living services especially for minorities and other groups of persons that have traditionally been unserved and underserved;

(u) prostheses and other appliances and devices;

(v) training for youth with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career options;

(w) appropriate preventive services;

(x) community awareness programs to enhance the understanding and integration into society of persons with disabilities; and

(y) other services as may be necessary.

(4) The department may provide only those services it determines are needed, cost effective and for which funding is available. (History: Sec. 53-7-102, 53-7-315 and 53-19-112, MCA; IMP, Sec. 53-7-102, 53-7-103, 53-19-103 and 53-19-105, MCA; NEW, 1985 MAR p. 1569, Eff. 10/18/85; AMD, 1992 MAR p. 2572, Eff. 11/26/92; AMD, 1997 MAR p. 1204, Eff. 7/8/97; TRANS, from SRS, 1998 MAR p. 2044.)

Rules 02 through 05 reserved

INDEPENDENT LIVING
REHABILITATION PROGRAM

37. 31. 206

37. 31. 206 INDEPENDENT LIVING REHABILITATION PROGRAM:
PROVISION OF SERVICES (1) The department may, within its discretion, provide services to a person who is eligible for the independent living program.

(2) Only such services as are determined appropriate in accordance with the state plan for independent living may be provided to a person accepted for services.

(3) Housing adaptation services are limited to accommodations and modifications of a client's home which the department determines are necessary to the client's receipt of services. (History: Sec. 53-7-102, 53-7-315 and 53-19-112, MCA; IMP, Sec. 53-7-102, 53-7-103, 53-7-302, 53-19-103, 53-19-104 and 53-19-105, MCA; NEW, 1985 MAR p. 1569, Eff. 10/18/85; AMD, 1992 MAR p. 2572, Eff. 11/26/92; AMD, 1992 MAR p. 2572, Eff. 11/26/92; AMD, 1997 MAR p. 1204, Eff. 7/8/97; TRANS, from SRS, 1998 MAR p. 2044.)

Subchapter 3 reserved

Subchapter 4

Eligibility Requirements

37. 31. 401 INDEPENDENT LIVING REHABILITATION PROGRAM:
ELIGIBILITY REQUIREMENTS (1) Independent living services may be provided to a person with severe disabilities if:

(a) the person's ability to function independently in the community is limited by the severity of the disability; and

(b) the department determines that there is a reasonable expectation that the person will benefit from independent living services.

(2) Persons with severe disabilities not receiving other vocational and rehabilitation services provided by the department have priority for services provided under this program.

(3) The person's financial needs in relation to the costs of services will be determined as provided in ARM 37. 30. 401 through 37. 30. 411.

(4) "Person with a severe disability" means a person whose ability to function independently in family or community or whose ability to engage or continue in employment is so limited by the severity of a disability that independent living rehabilitation services are required in order to achieve a greater level of independence in functioning in family or community or engaging or continuing in employment. (History: Sec. 53-7-102, 53-7-103, 53-7-315 and 53-19-112, MCA; IMP, Sec. 53-7-102, 53-7-103, 53-7-302, 53-19-103, 53-19-105 and 53-19-106, MCA; NEW, 1985 MAR p. 1569, Eff. 10/18/85; AMD, 1992 MAR p. 2572, Eff. 11/26/92; AMD, 1992 MAR p. 2572, Eff. 11/26/92; AMD, 1997 MAR p. 1204, Eff. 7/8/97; TRANS, from SRS, 1998 MAR p. 2044; AMD, 2002 MAR p. 3628, Eff. 12/27/02.)

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